

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

LEXON INSURANCE COMPANY,

Plaintiff,

-against-

JAMES C. JUSTICE II,

Defendant.

Civil Action No. 3:23-cv-00772

Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Barbara D. Holmes

JOINT STIPULATION GOVERNING DISCOVERY SCHEDULE

Plaintiff Lexon Insurance Company (“Plaintiff” or “Lexon”) and Defendant James C. Justice II (“Defendant”), by and through their undersigned counsel, hereby stipulate as follows:

WHEREAS, on May 7, 2024, the Court granted the parties’ joint motion to bifurcate the determination of damages to which Lexon is entitled under Counts II and III from all other questions of liability and damages on the claims asserted in the Complaint. (ECF 50.)

WHEREAS, on December 3, 2024, the Court granted in part Lexon’s Motion for Summary Judgment, finding Defendant liable to Lexon on Counts I–III but that issues of material fact remained as to certain aspects of the damages calculations under Count I. (Dkt. Nos. 68–69.)

WHEREAS, on December 26, 2024, the Court granted the parties’ joint motion to continue trial and set all remaining issues, including the damages calculation under Count I and those subject to the Court’s bifurcation order (ECF 50), for a bench trial beginning August 19, 2025 (Dkt. No. 78).

WHEREAS, the parties agree that additional discovery is necessary to determine the amount of damages Lexon is entitled to recover under Counts II and III, including attorney fees and litigation expenses.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, that the following discovery schedule shall govern the remaining proceedings, subject to the Court's approval:

A.	Parties provide supplemental Rule 26(a) disclosures, as appropriate.	April 15, 2025
B.	Parties complete additional discovery on damages under Counts II and III.	July 15, 2025

IT IS SO STIPULATED.

Respectfully submitted,

/s/ W. Brantley Phillips, Jr.

W. Brantley Phillips, Jr.
Garrah Carter-Mason
BASS BERRY & SIMS PLC
21 Platform Way South, Suite 3500
Nashville, TN 37203
Phone: 615-742-6200
Email: bphillips@bassberry.com
garrah.cartermason@bassberry.com

Jason M. Halper (*admitted pro hac vice*)
Sara E. Brauerman (*admitted pro hac vice*)
Timbre Shriver (*admitted pro hac vice*)
VINSON & ELKINS LLP
The Grace Building
1114 Avenue of the Americas
32nd Floor
New York, NY 10036
Phone: 212-237-0000
Email: jhalper@velaw.com
sbrauerman@velaw.com
tshriver@velaw.com

Attorneys for Plaintiff

/s/ Peter C. Robison

Peter C. Robison
LEWIS THOMASON, P.C.
424 Church St., Suite 2500
Nashville, TN 37219
Phone: 615-259-1366
Email: probison@lewisthomason.com

Raymond S. Franks II (*admitted pro hac vice*)
David R. Pogue (*admitted pro hac vice*)
CAREY Douglas KESSLER & RUBY PLLC
707 Virginia Street East
Charleston, WV 25301
Phone: 304-546-6038
Email: rfranks@cdkrlaw.com
dpogue@cdkrlaw.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 24, 2025, the foregoing document was filed via the Court's ECF system, which will send a notice of electronic filing to all ECF-registered counsel of record listed below:

Peter C. Robison
LEWIS THOMASON, P.C.
424 Church St.
Suite 2500
(615) 259-1366
probison@lewisthomason.com

David R. Pogue
Raymond S. Franks II
CAREY DOUGLAS KESSLER &
RUBY PLLC
707 Virginia Street E.
Suite 901
Charleston, WV 25301
(304) 345-1234
dpogue@cdkrlaw.com
rfranks@cdkrlaw.com

/s/ W. Brantley Phillips, Jr.